

Delaware Makes Arguments on Behalf of Students with Disabilities in United States Supreme Court

Delaware Files Amicus Brief Supporting a Colorado Student's Claim on Behalf of Delaware, Massachusetts, and New Mexico.

Delaware Attorney General Matt Denn, joined by the Attorneys General of Massachusetts and New Mexico, filed a formal brief Monday with the United States Supreme Court supporting the appeal of a Colorado public school student with disabilities who claims that his school district has not complied with federal law in meeting his educational needs. The brief filed by Delaware urges the United States Supreme Court to adopt a higher national standard for the services that U.S. schools must provide, and articulates that the standard reflected in Delaware state law, rather than the lower standard used in Colorado and many other states, is the proper standard to measure the provision of such services.

The brief was written by Delaware State Solicitor Aaron Goldstein and Deputy Attorneys General Patricia Davis and Laura Makransky. The brief states that the three Attorneys General “implore this Court to find that the highest level of educational benefit for children with disabilities currently recognized by federal courts of appeal is the correct level for all of the nation’s children with disabilities in order to ensure that the [Individuals with Disabilities Education Act]’s ideals of equality of opportunity, full participation, independent living, and economic self-sufficiency are fulfilled.”

Although Attorney General Denn has joined other briefs filed

with the United States Supreme Court since taking office in January of 2015, this is the first United States Supreme Court brief that his office has authored since he took office. “We chose this issue to seek to be heard with the United States Supreme Court,” Denn said, “because it is fundamentally important to the future of every child with a disability in our nation’s public schools. We also sought to be heard because how the Supreme Court phrases its opinion could also have a direct impact on students with disabilities in Delaware public schools.”

Read a copy of the brief submitted by Delaware on behalf of Delaware, Massachusetts, and New Mexico [here](#).